

Dec. 19, 2014, 128 Stat. 3606. Subsec. (b) of section 1421 of Pub. L. 102-484 amended sections 108 and 109 of Pub. L. 102-229, which are not classified to the Code.

SUBCHAPTER III—REPORTING REQUIREMENTS

§ 5921. Repealed. Pub. L. 113-291, div. A, title XIII, § 1351(2), Dec. 19, 2014, 128 Stat. 3606

Section, Pub. L. 102-484, div. A, title XIV, § 1431, Oct. 23, 1992, 106 Stat. 2565, required the President to submit a report to Congress prior to obligating any funds for programs under this chapter.

§ 5922. Quarterly reports on programs

Not later than 30 days after the end of the last fiscal year quarter of fiscal year 1992 and not later than 30 days after the end of each fiscal year quarter of fiscal year 1993, the President shall transmit to the Congress a report on the activities carried out under this chapter. Each such report shall set forth, for the preceding fiscal year quarter and cumulatively, the following:

- (1) The amounts expended for such activities and the purposes for which they were expended.
- (2) The source of the funds obligated for such activities, specified by program.
- (3) A description of the participation of all United States Government departments and agencies and the United States private sector in such activities.
- (4) A description of the activities carried out under this chapter and the forms of assistance provided under this chapter, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.
- (5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs authorized under this chapter.

(Pub. L. 102-484, div. A, title XIV, § 1432, Oct. 23, 1992, 106 Stat. 2566.)

DELEGATION OF AUTHORITY

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

SUBCHAPTER IV—JOINT RESEARCH AND DEVELOPMENT PROGRAMS

§ 5931. Programs with states of former Soviet Union

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union through the nongovernmental foundation established for this purpose by section 5861 of this title. To that end, the Secretary of Defense may spend those funds authorized in section 5911(a)(1)(C) of this title for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

- (1) To advance defense conversion by funding civilian collaborative research and develop-

ment projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

(Pub. L. 102-484, div. A, title XIV, § 1441, Oct. 23, 1992, 106 Stat. 2566; Pub. L. 103-160, div. A, title XI, § 1182(c)(4), Nov. 30, 1993, 107 Stat. 1772.)

AMENDMENTS

1993—Pub. L. 103-160 made technical amendment to reference to section 5861 of this title to correct reference to corresponding section of original Act.

CHAPTER 68A—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec.

5951. Findings on cooperative threat reduction.

5952, 5953. Repealed.

5954. Funding for fiscal year 1994.

5955 to 5957. Repealed.

5958. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union.

5959 to 5961. Repealed.

5961a. Requirement for on-site managers.

5962 to 5965. Repealed.

§ 5951. Findings on cooperative threat reduction

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

- (1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third world countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

(Pub. L. 103-160, div. A, title XII, § 1202, Nov. 30, 1993, 107 Stat. 1777.)

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-136, div. C, title XXXVI, § 3601, Nov. 24, 2003, 117 Stat. 1822, provided that: "This title [enacting provisions set out as notes under this section and sections 1928, 5959, and 6321 of this title] may be cited as the 'Nuclear Security Initiative Act of 2003'."

SHORT TITLE

Pub. L. 103-160, div. A, title XII, § 1201, Nov. 30, 1993, 107 Stat. 1777, provided that: "This title [enacting this chapter] may be cited as the 'Cooperative Threat Reduction Act of 1993'."

CONGRESSIONAL NOTIFICATION

Pub. L. 113-66, div. A, title XII, § 1246(c)(3), Dec. 26, 2013, 127 Stat. 924, as amended by Pub. L. 113-291, div. A, title XII, § 1243(3), Dec. 19, 2014, 128 Stat. 3564, which required that the Secretary of Defense notify certain congressional committees of the Secretary's intent to provide the Russian Federation with any sensitive missile defense information not less than 7 days prior to the provision of such information, including an explanation of the reasons for providing the information and the reasons why providing the information would not compromise United States national security, was repealed by Pub. L. 114-92, div. A, title XVI, § 1671(b)(1), Nov. 25, 2015, 129 Stat. 1130.

BRIEFINGS TO CONGRESSIONAL COMMITTEES

Pub. L. 113-66, div. A, title XII, § 1251(b), Dec. 26, 2013, 127 Stat. 926, provided that: "Prior to signing an executive agreement with the Russian Federation relating to ballistic missile defense, the President, or the President's designee, shall brief the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the objectives and contents of the executive agreement."

SENSE OF CONGRESS ON AGREEMENTS BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE SYSTEMS, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS

Pub. L. 112-239, div. A, title XII, § 1282, Jan. 2, 2013, 126 Stat. 2034, as amended by Pub. L. 114-92, div. A, title X, § 1076(c), Nov. 25, 2015, 129 Stat. 998, provided that: "It is

the sense of Congress that any agreement between the United States and the Russian Federation related to nuclear arms, missile defense systems, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States."

SHARING OF CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION WITH THE RUSSIAN FEDERATION

Pub. L. 112-81, div. A, title XII, § 1244, Dec. 31, 2011, 125 Stat. 1646, provided that:

"(a) NOTIFICATION.—No classified United States ballistic missile defense information may be made available to the Russian Federation unless, 60 days prior to any instance in which the United States Government plans to provide such information to the Russian Federation, the President provides notification thereof to the appropriate congressional committees.

"(b) ELEMENTS OF NOTIFICATION.—Each notification provided pursuant to subsection (a) shall include the following:

"(1) A detailed description of the classified United States ballistic missile defense information to be provided.

"(2) An explanation of the national security interest in providing the information to the Russian Federation and any provisions for reciprocal sharing by the Russian Federation with the United States on its defensive systems.

"(3) A certification that providing the information is consistent with United States national disclosure policy as of the date of enactment of this Act [Dec. 31, 2011] and that the decision to provide the information was made pursuant to a national disclosure policy review.

"(4) If applicable, a detailed explanation of whether any exceptions to national disclosure policy were required in order to provide the information to the Russian Federation and why such exceptions were required.

"(5) A certification that adequate measures are in place to protect the information from unauthorized disclosure. The certification shall include a description of the manner in which the information will be protected from unauthorized sharing or transfer to third parties as well as an analysis of the risks to the capabilities of the United States ballistic missile defense system if the information is shared or transferred to an unauthorized third party.

"(c) FORM.—Each notification provided pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.

"(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For the purposes of this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

"(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

"(e) CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION DEFINED.—For the purposes of this section, the term 'classified United States ballistic missile defense information' means information related to United States ballistic missile defenses that is classified as of, or after, the date of enactment of this Act [Dec. 31, 2011]."

ESTABLISHMENT OF INTERPARLIAMENTARY THREAT REDUCTION WORKING GROUP

Pub. L. 108-136, div. C, title XXXVI, § 3622, Nov. 24, 2003, 117 Stat. 1824, provided that:

"(a) ESTABLISHMENT OF WORKING GROUP.—There is hereby established a working group to be known as the

‘Threat Reduction Working Group’ as an inter-parliamentary group of the Congress of the United States and the legislature of the Russian Federation.

“(b) PURPOSE OF WORKING GROUP.—The purpose of the working group established by subsection (a) shall be to explore means to enhance cooperation between the United States and the Russian Federation with respect to nuclear nonproliferation and security and such other issues related to reducing the dangers of weapons of mass destruction as the members of the working group consider appropriate.

“(c) MEMBERSHIP.—(1) The majority leader of the Senate, after consultation with the minority leader of the Senate, shall appoint not more than 10 Senators to the working group established by subsection (a).

“(2) The Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, shall appoint not more than 30 Members of the House to the working group.”

TRANSFER TO NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF DEFENSE'S COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM PRODUCTION IN RUSSIA

Pub. L. 107-314, div. C, title XXXI, §3151, Dec. 2, 2002, 116 Stat. 2736, as amended by Pub. L. 108-375, div. C, title XXXI, §3135, Oct. 28, 2004, 118 Stat. 2170, provided that:

“(a) TRANSFER OF PROGRAM.—There are hereby transferred to the Administrator for Nuclear Security the following:

“(1) The program, within the Cooperative Threat Reduction program of the Department of Defense, relating to the elimination of weapons grade plutonium production in Russia.

“(2) All functions, powers, duties, and activities of that program performed before the date of the enactment of this Act [Dec. 2, 2002] by the Department of Defense.

“(b) TRANSFER OF ASSETS.—(1) Notwithstanding any restriction or limitation in law on the availability of Cooperative Threat Reduction funds specified in paragraph (2), so much of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the program transferred by subsection (a) are transferred to the Administrator for use in connection with the program transferred.

“(2) The Cooperative Threat Reduction funds specified in this paragraph are the following:

“(A) Fiscal year 2002 Cooperative Threat Reduction funds, as specified in section 1301(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1254; 22 U.S.C. 5952 note).

“(B) Fiscal year 2001 Cooperative Threat Reduction funds, as specified in section 1301(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-339; 22 U.S.C. 5959 note).

“(C) Fiscal year 2000 Cooperative Threat Reduction funds, as specified in section 1301(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 792; 22 U.S.C. 5952 note).

“(c) AVAILABILITY OF TRANSFERRED FUNDS.—(1) Notwithstanding any restriction or limitation in law on the availability of Cooperative Threat Reduction funds specified in subsection (b)(2), the Cooperative Threat Reduction funds transferred under subsection (b) for the program referred to in subsection (a) shall be available for activities as follows:

“(A) To design and construct, refurbish, or both, fossil fuel energy plants in Russia that provide alternative sources of energy to the energy plants in Russia that produce weapons grade plutonium.

“(B) To carry out limited safety upgrades of not more than three energy plants in Russia that produce weapons grade plutonium, provided that such upgrades do not extend the life of those plants.

“(2) Amounts available under paragraph (1) for activities referred to in that paragraph shall remain available for obligation for three fiscal years.

“(d) LIMITATION.—(1) Of the amounts authorized to be appropriated by this title or any other Act for the program referred to in subsection (a), the Administrator for Nuclear Security may not obligate any funds for construction, or obligate or expend more than \$100,000,000 for that program, until 30 days after the later of—

“(A) the date on which the Administrator submits to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives, and the Committee on Foreign Relations of the Senate, a copy of an agreement or agreements entered into between the United States Government and the Government of the Russian Federation to shut down the three plutonium-producing reactors in Russia as specified under paragraph (2); and

“(B) the date on which the Administrator submits to the committees specified in subparagraph (A) a report on a plan to achieve international participation in the program referred to in subsection (a), including cost sharing.

“(2) The agreement (or agreements) under paragraph (1)(A) shall contain—

“(A) a commitment to shut down the three plutonium-producing reactors;

“(B) the date on which each such reactor will be shut down;

“(C) a schedule and milestones for each such reactor to complete the shutdown of such reactor by the date specified under subparagraph (B);

“(D) a schedule and milestones for refurbishment or construction of fossil fuel energy plants to be undertaken by the Government of the Russian Federation in support of the program;

“(E) an arrangement for access to sites and facilities necessary to meet such schedules and milestones;

“(F) an arrangement for audit and examination procedures in order to evaluate progress in meeting such schedules and milestones; and

“(G) any cost sharing arrangements between the United States Government and the Government of the Russian Federation in undertaking activities under such agreement (or agreements).

“(e) INTERNATIONAL PARTICIPATION IN PROGRAM.—(1) In order to achieve international participation in the program referred to in subsection (a), the Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary considers appropriate for the contribution of funds by such person, government, or organization for purposes of the program.

“(2) Notwithstanding section 3302 of title 31, United States Code, and subject to paragraphs (3) and (4), the Secretary may retain and utilize any amounts contributed by a person, government, or organization under an agreement under paragraph (1) for purposes of the program without further appropriation and without fiscal year limitation.

“(3) The Secretary may not utilize under paragraph (2) any amount contributed under an agreement under paragraph (1) until 30 days after the date on which the Secretary notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

“(4) If any amount contributed under paragraph (1) has not been utilized within five years of receipt under that paragraph, the Secretary shall return such amount to the person, government, or organization contributing such amount under that paragraph.

“(5) Not later than 30 days after the receipt of any amount contributed under paragraph (1), the Secretary

shall submit to the congressional defense committees a notice of the receipt of such amount.

“(6) Not later than October 31 each year, the Secretary shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

“(A) a statement of any amounts received under this subsection, including the source of each such amount; and

“(B) a statement of any amounts utilized under this subsection, including the purpose for which such amounts were utilized.

“(7) The authority of the Secretary to accept and utilize amounts under this subsection shall expire on December 31, 2011.”

ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM

Pub. L. 107–314, div. C, title XXXI, §3157, Dec. 2, 2002, 116 Stat. 2740, provided that:

“(a) PROGRAM ON ACCELERATED DISPOSITION OF HEU AUTHORIZED.—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation options for blending highly enriched uranium so that the concentration of U-235 in such uranium is below 20 percent.

“(2) The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—

“(A) additional facilities for the blending of highly enriched uranium; and

“(B) additional centralized secure storage facilities for highly enriched uranium designated for blending.

“(3) Any site selected for the storage of uranium or blended material under paragraph (2)(B) shall undergo complete materials protection, control, and accounting upgrades before the commencement of the storage of uranium or blended material at such site under the program.

“(b) CONSTRUCTION WITH HEU DISPOSITION AGREEMENT.—Nothing in this section may be construed as terminating, modifying, or otherwise affecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

“(c) LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.—Uranium blended under this section may not be released for sale until the earlier of—

“(1) January 1, 2014; or

“(2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining, conversion, and enrichment industry in the United States.

“(d) AMOUNT FOR ACTIVITIES.—Of the amount to be appropriated by section 3101(a)(2) [116 Stat. 2729] for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$10,000,000 may be available for carrying out this section.”

PLAN FOR ACCELERATED RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS

Pub. L. 107–314, div. C, title XXXI, §3160, Dec. 2, 2002, 116 Stat. 2742, provided that:

“(a) PLAN FOR ACCELERATED RETURN.—The Secretary of Energy shall work with the Russian Federation to develop a plan to accelerate the return to Russia of all weapons-usable nuclear materials located in research reactors and other facilities outside Russia that were supplied by the former Soviet Union.

“(b) FUNDING AND SCHEDULES.—As part of the plan under subsection (a), the Secretary shall identify the funding and schedules required to assist the research

reactors and facilities referred to in that subsection in—

“(1) transferring highly enriched uranium to Russia; and

“(2) upgrading the materials protection, control, and accounting procedures at such research reactors and facilities until the weapons-usable nuclear materials in such reactors and facilities are returned in accordance with that subsection.

“(c) COORDINATION.—The provision of assistance under subsection (b) shall be closely coordinated with the International Atomic Energy Agency.”

PLAN FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF THE STATES OF THE FORMER SOVIET UNION

Pub. L. 107–107, div. A, title XII, §1205, Dec. 28, 2001, 115 Stat. 1247, as amended by Pub. L. 107–314, div. A, title XII, §1205, Dec. 2, 2002, 116 Stat. 2664, provided that:

“(a) PLAN REQUIRED.—Not later than June 15, 2002, the President shall submit to Congress a plan, that has been developed in coordination with all relevant Federal agencies—

“(1) for cooperating with Russia on disposing, as soon as practicable, of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenals;

“(2) for assisting Russia in downsizing its nuclear weapons research and production complex;

“(3) for cooperating with the other states of the former Soviet Union on disposing, as soon as practicable, of all nuclear weapons and weapons-usable nuclear material in such states; and

“(4) for preventing the outflow from the states of the former Soviet Union of scientific expertise that could be used for developing nuclear weapons, other weapons of mass destruction, and delivery systems for such weapons.

“(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

“(1) Specific goals and measurable objectives for programs that are designed to carry out the objectives described in subsection (a).

“(2) Criteria for success for such programs, and a strategy for eventual termination of United States contributions to such programs and assumption of the ongoing support of those programs by others.

“(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of such programs. In particular, the plan shall include consideration of the creation of an interagency committee that would have primary responsibilities within the executive branch for—

“(A) monitoring United States nonproliferation efforts in the states of the former Soviet Union;

“(B) coordinating the implementation of United States policy with respect to such efforts; and

“(C) recommending to the President integrated policies, budget options, and private sector and international contributions for such programs.

“(4) An estimate of the cost of carrying out such programs.

“(c) CONSULTATION.—In developing the plan required by subsection (a), the President—

“(1) is encouraged to consult with the relevant states of the former Soviet Union regarding the practicality of various options; and

“(2) shall consult with the majority and minority leadership of the appropriate committees of Congress.

“(d) ANNUAL REPORT ON IMPLEMENTATION OF PLAN.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

“(2) Each report under paragraph (1) shall include—

“(A) a discussion of progress made during the year covered by such report in the matters of the plan required by subsection (a);

“(B) a discussion of consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

“(C) a discussion of cooperation, coordination, and integration during such year in the implementation of the plan among the various departments and agencies of the United States Government, as well as private entities that share objectives similar to the objectives of the plan; and

“(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.”

[Functions of President under section 1205(d) of Pub. L. 107-107, set out above, delegated to Secretary of State by Memorandum of President of the United States, Nov. 2, 2005, 70 F.R. 72055.]

RUSSIAN NONSTRATEGIC NUCLEAR ARMS

Pub. L. 106-65, div. A, title XIII, §1312, Oct. 5, 1999, 113 Stat. 796, as amended by Pub. L. 106-398, §1 [[div. A], title XIII, §1308(g)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343, provided that: “It is the sense of Congress that—

“(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

“(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

“(3) if the re-certification under section 1310 [113 Stat. 795] is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.”

LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION ACTIVITIES IN RUSSIA

Pub. L. 105-261, div. A, title XIII, §1304, Oct. 17, 1998, 112 Stat. 2163, provided that:

“(a) LIMITATION.—Subject to the limitation in section 1405(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1961), no funds authorized to be appropriated for Cooperative Threat Reduction programs under this Act [see Tables for classification] or any other Act may be obligated or expended for chemical weapons destruction activities in Russia (including activities for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility) until the President submits to Congress a written certification described in subsection (b).

“(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is either of the following certifications by the President:

“(1) A certification that—

“(A) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

“(B) the United States and Russia have made substantial progress toward the resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement; and

“(C) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons.

“(2) A certification that the national security interests of the United States could be undermined by a policy of the United States not to carry out chemi-

cal weapons destruction activities under Cooperative Threat Reduction programs for which funds are authorized to be appropriated under this Act or any other Act for fiscal year 1999.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Bilateral Destruction Agreement’ means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons signed on June 1, 1990.

“(2) The term ‘Wyoming Memorandum of Understanding’ means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.”

[Memorandum of President of the United States, July 16, 1999, 64 F.R. 40503, delegated to Secretary of Defense authority of President under section 1304(b)(2) of Public Law 105-261, set out above.]

Similar provisions were contained in the following prior authorization acts:

Pub. L. 105-85, div. A, title XIV, §1406, Nov. 18, 1997, 111 Stat. 1961.

Pub. L. 104-106, div. A, title XII, §1209, Feb. 10, 1996, 110 Stat. 472.

CONGRESSIONAL REPORTS ON COOPERATIVE THREAT REDUCTION PROGRAMS

Pub. L. 104-106, div. A, title XII, §§1201, 1205, 1206, Feb. 10, 1996, 110 Stat. 469, 470, 471, as amended by Pub. L. 104-201, div. A, title XIV, §1431, Sept. 23, 1996, 110 Stat. 2726; Pub. L. 106-65, div. A, title X, §1067(6), title XIII, §1311, Oct. 5, 1999, 113 Stat. 774, 796; Pub. L. 106-398, §1 [[div. A], title XIII, §1308(g)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343; Pub. L. 113-291, div. A, title XIII, §1351(4), Dec. 19, 2014, 128 Stat. 3607, provided that:

“SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

“(a) IN GENERAL.—For purposes of section 301 [110 Stat. 245] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in subsection (b).

“(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

“(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons, fissile material suitable for use in nuclear weapons, and their delivery vehicles.

“(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

“(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

“(4) Programs to expand military-to-military and defense contacts.

“[SEC. 1205. Repealed. Pub. L. 113-291, div. A, title XIII, §1351(4), Dec. 19, 2014, 128 Stat. 3607.]

“[SEC. 1206. Repealed. Pub. L. 106-398, §1 [[div. A], title XIII, §1308(g)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343.]”

CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY

Pub. L. 103-160, div. A, title XVI, §1612, Nov. 30, 1993, 107 Stat. 1850, provided:

“(a) LIMITATION.—Until a certification under subsection (b) is made, no funds may be obligated or expended by the United States for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons.

“(b) CERTIFICATION OF RUSSIA’S COMMITMENT TO HALT CHEMICAL SEPARATION OF WEAPON-GRADE PLUTONIUM.—The prohibition in subsection (a) shall cease to apply upon a certification by the President to Congress that Russia—

“(1) is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

“(2) is taking all practical steps to halt such separation at the earliest possible date.

“(c) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will (1) cease all production and separation of weapon-grade plutonium, and (2) halt chemical separation of plutonium produced in civil nuclear power reactors.

“(d) REPORT.—Not later than June 1, 1994, the President shall submit to Congress a report on the status of efforts by the United States to secure the commitments and achieve the objective described in subsections (b) and (c). The President shall include in the report a discussion of the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.”

[Memorandum of President of the United States, Mar. 10, 1994, 59 F.R. 14079, delegated to Secretary of State authority and duty of President under section 1612(b) and (d) of Public Law 103-160 set out above.]

§§ 5952, 5953. Repealed. Pub. L. 113-291, div. A, title XIII, § 1351(3), Dec. 19, 2014, 128 Stat. 3607

Section 5952, Pub. L. 103-160, div. A, title XII, § 1203, Nov. 30, 1993, 107 Stat. 1778; Pub. L. 107-314, div. A, title XIII, § 1306(c), formerly § 1306(e), Dec. 2, 2002, 116 Stat. 2673, renumbered § 1306(c), Pub. L. 109-163, div. A, title XIII, § 1303(2), Jan. 6, 2006, 119 Stat. 3474; Pub. L. 110-53, title XVIII, § 1811(2), Aug. 3, 2007, 121 Stat. 492; Pub. L. 110-181, div. A, title XIII, § 1304(a)(2), Jan. 28, 2008, 122 Stat. 412, related to authority for programs to facilitate cooperative threat reduction.

Section 5953, Pub. L. 103-160, div. A, title XII, § 1204, Nov. 30, 1993, 107 Stat. 1779, authorized designation of Demilitarization Enterprise Fund.

UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM

Pub. L. 111-84, div. A, title XIII, § 1303, Oct. 28, 2009, 123 Stat. 2557, as amended by Pub. L. 113-66, div. A, title XIII, § 1303, Dec. 26, 2013, 127 Stat. 931, which authorized the Secretary of Defense, through Dec. 31, 2018, to enter into agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) under which the person would contribute funds for activities conducted under the Cooperative Threat Reduction Program, was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(12)(A), Dec. 19, 2014, 128 Stat. 3607.

COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM

Pub. L. 111-84, div. A, title XIII, § 1306(a), Oct. 28, 2009, 123 Stat. 2560, which set out standards for the administration of the Defense and Military Contacts Program under the Cooperative Threat Reduction Program, was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(12)(C), Dec. 19, 2014, 128 Stat. 3607.

LIMITED WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION

Pub. L. 107-314, div. A, title XIII, § 1306(a)–(d), Dec. 2, 2002, 116 Stat. 2673, as amended by Pub. L. 109-163, div.

A, title XIII, § 1303(1), Jan. 6, 2006, 119 Stat. 3474, which authorized the President to waive the restrictions and eligibility requirements set out in former section 5952(d) of this title for the obligation and expenditure of funds under that section for assistance to an independent state of the former Soviet Union, was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(10), Dec. 19, 2014, 128 Stat. 3607.

REQUIREMENT TO CONSIDER USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS

Pub. L. 107-107, div. A, title XIII, § 1304, Dec. 28, 2001, 115 Stat. 1255, which required that the Secretary of Defense consider the use of revenue generated by activities carried out under Cooperative Threat Reduction programs in negotiating and executing contracts with Russia to carry out such programs, was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(9), Dec. 19, 2014, 128 Stat. 3607.

LIMITATION ON USE OF FUNDS FOR CERTAIN PURPOSES

Pub. L. 107-314, div. A, title XIII, § 1305, Dec. 2, 2002, 116 Stat. 2673, which prohibited the use of funds appropriated for Cooperative Threat Reduction programs for the design, planning, or construction of a second wing for a storage facility for Russian fissile material, was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(10), Dec. 19, 2014, 128 Stat. 3607.

Pub. L. 106-398, § 1 [[div. A], title XIII, § 1303], Oct. 30, 2000, 114 Stat. 1654, 1654A-340, which prohibited the obligation or expenditure of funds appropriated for Cooperative Threat Reduction programs for the elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons, was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(8)(A), Dec. 19, 2014, 128 Stat. 3607.

Pub. L. 106-398, § 1 [[div. A], title XIII, § 1304], Oct. 30, 2000, 114 Stat. 1654, 1654A-340, as amended by Pub. L. 107-107, div. A, title XIII, § 1305(b), Dec. 28, 2001, 115 Stat. 1255, which limited the use of funds appropriated for Cooperative Threat Reduction programs for the planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654-339) to not more than \$412,600,000, was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(8)(A), Dec. 19, 2014, 128 Stat. 3607.

REQUIREMENT TO SUBMIT SUMMARY OF AMOUNTS REQUESTED BY PROJECT CATEGORY

Pub. L. 105-261, div. A, title XIII, § 1307, Oct. 17, 1998, 112 Stat. 2165, as amended by Pub. L. 108-375, div. A, title XIII, § 1304, Oct. 28, 2004, 118 Stat. 2094, which required that the Secretary of Defense submit to Congress an annual descriptive summary of the appropriations requested for Cooperative Threat Reduction programs and the obligation or expenditure of such appropriations for the previous fiscal year, was repealed by Pub. L. 113-291, div. A, title XIII, § 1351(6), Dec. 19, 2014, 128 Stat. 3607.

§ 5954. Funding for fiscal year 1994

(a) Authorization of appropriations

Funds authorized to be appropriated under section 301(21)¹ shall be available for cooperative threat reduction with states of the former Soviet Union under this chapter.

(b) Limitations

(1) Not more than \$15,000,000 of the funds referred to in subsection (a) may be made available for programs authorized in subsection (b)(6) of section 5952¹ of this title.

¹ See References in Text note below.

(2) Not more than \$20,000,000 of such funds may be made available for programs authorized in subsection (b)(7) of section 5952¹ of this title.

(3) Not more than \$40,000,000 of such funds may be made available for grants to the Demilitarization Enterprise Fund designated pursuant to section 5953¹ of this title and for related administrative expenses.

(c) Authorization of extension of availability of prior year funds

To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1928), and in section 108 of Public Law 102-229 (105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

(Pub. L. 103-160, div. A, title XII, §1205, Nov. 30, 1993, 107 Stat. 1781.)

REFERENCES IN TEXT

Section 301(21), referred to in subsec. (a), means section 301(21) of Pub. L. 103-160, div. A, title III, Nov. 30, 1993, 107 Stat. 1616, which is not classified to the Code.

Sections 5952 and 5953 of this title, referred to in subsec. (b), were repealed by Pub. L. 113-291, div. A, title XIII, §1351(3), Dec. 19, 2014, 128 Stat. 3607.

Section 9110(a) of the Department of Defense Appropriations Act, 1993, referred to in subsec. (c), is section 9110(a) of Pub. L. 102-396, title IX, Oct. 6, 1992, 106 Stat. 1928, which is not classified to the Code.

Section 108 of Public Law 102-229, referred to in subsec. (c), is section 108 of Pub. L. 102-229, title I, Dec. 12, 1991, 105 Stat. 1708, as amended, which is not classified to the Code.

§ 5955. Repealed. Pub. L. 113-291, div. A, title XIII, § 1351(3), Dec. 19, 2014, 128 Stat. 3607

Section, Pub. L. 103-160, div. A, title XII, §1206, Nov. 30, 1993, 107 Stat. 1781, related to prior notice to Congress of obligation of funds for cooperative threat reduction programs.

§ 5956. Repealed. Pub. L. 106-398, § 1 [[div. A], title XIII, § 1308(g)(1)(A)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343

Section, Pub. L. 103-160, div. A, title XII, §1207, Nov. 30, 1993, 107 Stat. 1782; Pub. L. 103-337, div. A, title XII, §§1202, 1208(b), Oct. 5, 1994, 108 Stat. 2882, 2887; Pub. L. 104-106, div. A, title XV, §1504(a)(7), Feb. 10, 1996, 110 Stat. 513, required submission of semiannual report.

§ 5957. Repealed. Pub. L. 113-291, div. A, title XIII, § 1351(3), Dec. 19, 2014, 128 Stat. 3607

Section, Pub. L. 103-160, div. A, title XII, §1208, Nov. 30, 1993, 107 Stat. 1782, defined “appropriate congressional committees” for this chapter.

§ 5958. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union

(a) Authorization of appropriations

There is hereby authorized to be appropriated for fiscal year 1993 for “Operation and Maintenance, Defense Agencies” the additional sum of \$979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) Authorization of transfer of funds

The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from

the account “Operation and Maintenance, Defense Agencies” for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) Administrative provisions

(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) Coordination of programs

The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this chapter and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511) so as to optimize the contribution such programs make to the national interests of the United States.

(Pub. L. 103-160, div. A, title XII, §1209, Nov. 30, 1993, 107 Stat. 1782.)

REFERENCES IN TEXT

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (d), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

§ 5959. Repealed. Pub. L. 113-291, div. A, title XIII, § 1351(8)(C), Dec. 19, 2014, 128 Stat. 3607

Section, Pub. L. 106-398, §1 [[div. A], title XIII, §1308], Oct. 30, 2000, 114 Stat. 1654, 1654A-341; Pub. L. 107-107, div. A, title XIII, §§1307, 1309, Dec. 28, 2001, 115 Stat. 1256, 1257; Pub. L. 107-314, div. A, title XIII, §1304(a), Dec. 2, 2002, 116 Stat. 2672; Pub. L. 108-136, div. A, title X, §1045(c)(2), Nov. 24, 2003, 117 Stat. 1613; Pub. L. 109-163, div. A, title XIII, §1305, Jan. 6, 2006, 119 Stat. 3474; Pub. L. 111-84, div. A, title XIII, §1306(b), Oct. 28, 2009, 123 Stat. 2560; Pub. L. 111-383, div. A, title X, §1075(d)(20), Jan. 7, 2011, 124 Stat. 4374; Pub. L. 112-81, div. A, title X, §1066(d), Dec. 31, 2011, 125 Stat. 1589, required reports on activities and assistance under cooperative threat reduction programs.

§§ 5960, 5961. Repealed. Pub. L. 113-291, div. A, title XIII, § 1351(11), Dec. 19, 2014, 128 Stat. 3607

Section 5960, Pub. L. 108-136, div. A, title XIII, §1303, Nov. 24, 2003, 117 Stat. 1659, related to limitation on use of funds for Cooperative Threat Reduction programs until certain permits obtained.

Section 5961, Pub. L. 108-136, div. A, title XIII, §1305, Nov. 24, 2003, 117 Stat. 1660, related to requirement to appoint on-site managers before obligating any Cooperative Threat Reduction funds for certain projects.

§ 5961a. Requirement for on-site managers**(a) On-site manager requirement**

Before obligating any defense nuclear non-proliferation funds for a project described in subsection (b), the Secretary of Energy shall appoint one on-site manager for that project. The manager shall be appointed from among employees of the Federal Government.

(b) Projects covered

Subsection (a) applies to a project—

- (1) to be located in a state of the former Soviet Union;
- (2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and
- (3) with respect to which the total contribution by the Department of Energy is expected to exceed \$50,000,000.

(c) Duties of on-site manager

The on-site manager appointed under subsection (a) shall—

- (1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project's disarmament or nonproliferation goals;
- (2) establish a schedule for completing those steps or activities;
- (3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and
- (4) suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Energy to resume United States participation.

(d) Authority to manage more than one project

(1) Subject to paragraph (2), an employee of the Federal Government may serve as on-site manager for more than one project, including projects at different locations.

(2) If such an employee serves as on-site manager for more than one project in a fiscal year, the total cost of the projects for that fiscal year may not exceed \$150,000,000.

(e) Steps or activities

Steps or activities referred to in subsection (c)(1) are those activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

- (1) Identification and acquisition of permits (as defined in subsection (g)).
- (2) Verification that the items, substances, or capabilities to be dismantled, secured, or otherwise modified are available for dismantlement, securing, or modification.
- (3) Timely provision of financial, personnel, management, transportation, and other resources.

(f) Notification to Congress

In any case in which the Secretary of Energy directs an on-site manager to resume United States participation in a project under subsection (c)(4), the Secretary shall concurrently notify Congress of such direction.

(g) Permit defined

In this section, the term “permit” means any local or national permit for development, gen-

eral construction, environmental, land use, or other purposes that is required in the state of the former Soviet Union in which the project is being or is proposed to be carried out.

(h) Effective date

This section shall take effect six months after November 24, 2003.

(Pub. L. 108–136, div. C, title XXXI, § 3125, Nov. 24, 2003, 117 Stat. 1748.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

§§ 5962, 5963. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(11), Dec. 19, 2014, 128 Stat. 3607

Section 5962, Pub. L. 108–136, div. A, title XIII, § 1307, Nov. 24, 2003, 117 Stat. 1661, related to annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.

Section 5963, Pub. L. 108–136, div. A, title XIII, § 1308, Nov. 24, 2003, 117 Stat. 1662; Pub. L. 110–53, title XVIII, § 1811(4), Aug. 3, 2007, 121 Stat. 493; Pub. L. 110–181, div. A, title XIII, § 1305, Jan. 28, 2008, 122 Stat. 413, related to authority to use Cooperative Threat Reduction funds outside the former Soviet Union.

§§ 5964, 5965. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(12)(B), Dec. 19, 2014, 128 Stat. 3607

Section 5964, Pub. L. 111–84, div. A, title XIII, § 1304, Oct. 28, 2009, 123 Stat. 2558, related to metrics for the Cooperative Threat Reduction Program.

Section 5965, Pub. L. 111–84, div. A, title XIII, § 1305, Oct. 28, 2009, 123 Stat. 2559, related to Cooperative Threat Reduction Program authority for urgent threat reduction activities.

CHAPTER 69—CUBAN DEMOCRACY

Sec.	
6001.	Findings.
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§ 6001. Findings

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increas-